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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,318	11/26/2001	Robert J. Gallagher	100110474-2	9510

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

ZEENDER, FLORIAN M

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/995,318

Applicant(s)

GALLAGHER ET AL.

Examiner

F. Ryan Zeender

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 20-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 20-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 1 and 20-26 are objected to because of the following informalities: In claim 1, line 30, the language "by of zip code and jurisdiction name" is awkward terminology and it appears the language should be changed to --by one of zip code and jurisdiction name-- (*note: for the purposes of this action, it will be assumed that the language should have been written as suggested*). In claim 1, second to last line, "the apparatus" lacks antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 20-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 6, "the network" lacks antecedent basis. In claim 1, line 24, it is not clear whether or not the terminology, "the interactive communications network" refers back to the same network claimed in line 6 or to a separate distinct network.

Claim Rejections - 35 USC § 103

Claim 1, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Chong US5335169, in view of Manzi et al. US6298333 and Barnes et al. US5970475.

Chong discloses a program controlled apparatus for identifying taxable financial transactions, collecting data based on the transactions, and calculating any taxes due on the transactions, the apparatus comprising: a first module having a directory of all jurisdictions by "tax authority code" (based on customer location; See Col. 4, lines 2 through Col. 5, line 7) requiring payment of taxes; a second module 34 having a directory identifying the taxability of goods by each jurisdiction through the use of codes; a third module having a directory of tax rates 33, a server having programming for determining all taxes due on each transaction (See for example Cols. 3-4), and further teaches the use of sales type codes (See for example Col. 4, lines 37-40) which would include commodity codes.

Chong lacks the teaching of the specific hardware configuration as well as the use of a first, second, and third "database"; a sales tax and use tax remittance module including the specifics of transmitting payment to a government authority; and the identity of use and rental tax rates.

Barnes et al. '475 teach multiple servers within a network for use in an e-commerce system providing e-content to end users, and further teaching accounting 74/46/131e including sales tax calculation (See Fig. 24), security 94/118, and settlement of funds through an automated clearing house 88.

Manzi et al. teach the identification of use and rental tax rates in a system that automatically determines taxes due, and further teaches the payment of taxes to tax authorities (See figure 1, "18") and updating records to reflect taxes paid (See abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Chong to include the specific hardware configuration, in view of Barnes et al., in order to provide a secure, user-friendly, e-commerce system that can be used with existing computer systems (See Barnes et al., Col. 1, lines 52-67).

It would have been further obvious to one of ordinary skill in the art at the time of the invention to modify Chong to include tax rates for usage and renting and to further a means to periodically pay the taxes due to various tax authorities, in view of Manzi, in order to provide a means to improve the "timing" of payment of such taxes to authorities (See Manzi Col. 1, lines 48-50).

It would have been a further obvious design choice to one of ordinary skill in the art to have first, second, and third databases as the use of multiple databases is well known in the art of computer technology in order to provide a desired result.

Allowable Subject Matter

Claims 20-26 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 12/6/2005 have been fully considered but are moot in view of the new grounds of rejection.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (571) 272-6790. The examiner can normally be reached Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The receptionist's phone number for the Technology center is (571) 272-3600.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

F. Zeender
Primary Examiner, A.U. 3627
February 14, 2006


F. RYAN ZEENDER
PRIMARY EXAMINER

2/14/06